



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

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September 17, 2021

By ECF

The extension is granted.

The Honorable Alvin K. Hellerstein
United States District Judge
United States Courthouse
500 Pearl St.
New York, New York 10007

So ordered,
/s/ Alvin K. Hellerstein
Alvin K. Hellerstein
9/21/21

RE: *Everest Foods, Inc., et al., v. Cuomo, et al.*, No. 21-CV-06316 (AKH)

Dear Judge Hellerstein:

This Office represents former Governor Andrew M. Cuomo (“Governor Cuomo”) in the above-captioned case. Governor Cuomo’s current deadline to answer or otherwise respond to the complaint is September 30, 2021. ECF 21. However, Governor Cuomo’s co-defendant, Mayor Bill de Blasio, now has until October 29, 2021 to respond to the complaint pursuant to a so-ordered stipulation with the Plaintiffs. ECF 34. Governor Cuomo respectfully requests that his own answer deadline also be extended to October 29, 2021 so that it matches the Mayor’s deadline.

Allowing both defendants to be subject to the same deadline is likely to conserve the Court’s resources. Governor Cuomo expects to file a motion to dismiss for failure to state a claim, and counsel understands that Mayor de Blasio also intends to move to dismiss. The requested extension would allow both motions to proceed on a single, consolidated schedule.

An extension is also warranted in light of the detailed factual chronology alleged in Plaintiffs’ complaint and the need to fully research the various claims asserted therein, which include claims of alleged procedural and substantive due process violations, alleged denial of equal protection, alleged regulatory taking, and the alleged violation of the Contracts Clause, all of which have been asserted by twelve different Plaintiffs.

Further, the requested extension would not prejudice the Plaintiffs. The extension would not delay the resolution of this proceeding because, again, Governor Cuomo is simply requesting the same deadline as his co-defendant. In fact, a consolidated motion schedule would arguably ease the burdens that Plaintiffs will face in responding to the motions to dismiss because it would enable Plaintiffs to file a single, consolidated response to both motions if they so choose—thus

Hon. Alvin K. Hellerstein
September 17, 2021
Page 2

eliminating the need to respond piecemeal.

This is Governor Cuomo's second request for an extension of his deadline to respond to the complaint, and the Court granted the first such request. ECF 21. Plaintiffs do not consent to this request, and they assert that, given the first extension, "there has been more than enough time for your office to respond to the complaint."

Thank you for your time and attention to this matter.

Respectfully submitted,

/s/ Matthew J. Lawson

Matthew J. Lawson
Assistant Attorney General

cc: all counsel (via ECF)